



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,373	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24735	5134
25883	7590	04/07/2004	EXAMINER	
HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			KANG, PAUL H	
			ART UNIT	PAPER NUMBER

2141

26

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,373

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2141

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., US Pat. No. 5,978,773 in view of Browning, US Pat. No. 6,081,629.

2. Hudetz discloses a method for [operating] a web browser application on a user's computer, comprising the steps of:

providing a browser application on the user's computer that is [executable] in response to predetermined browser inputs being received by the user's computer, which predetermined browser inputs comprise a set of user computer inputs that are operable to be interfaced to computer inputs that are operable to be interfaced to outputs of one of a plurality of external computer peripherals (col. 3, line 16 – col. 4, line 30 and col. 11, line 40 – col. 12, line 10);

providing a non-browser input that is not a portion of the set of predetermined browser inputs for generating an input signal that is not part of the set of computer inputs (col. 3, line 16 – col. 4, line 30); and

[executing] the web browser on the user's computer over a connection established with this simulated browser input and, in response thereto, accessing information on a network (col. 3, line 16 – col. 4, line 30 and col. 11, line 40 – col. 12, line 10).

However, Hudetz does not explicitly teach a method for converting the non-browser input in an interface device to simulate as a simulated browser input to the user's computer one or more of the predetermined browser inputs, such that an input that is associated with one of the outputs of one of the external computer peripherals will be able to receive information from the non-browser input just as if it had been generated by the one of the outputs of the one of the computer peripherals; and “launching” a browser application (i.e. opening and not merely “executing” a browser application).

In the same field of endeavor, Browning teaches a network device which takes as input a non-browser input, converts the non-browser input to generate character data output simulating a browser input from an external computer peripheral device such as a keyboard, and in response to the input launches a web browser in a manner analogous to user input from a keyboard (See Browning, col. 3, line 25 – col. 5 line 26 and col. 5, lines 27-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of non-browser inputs to launch a web browser as taught by Browning into the system of Hudetz for the purpose of automating the system to enhance the ease of use and efficiency.

3. As to claims 2 and 3, Hudetz-Browning teaches the invention substantially as claimed. Hudetz teaches providing a first portion of the non-browser input that is generated local and

Art Unit: 2141

external to the user's computer at the user's location and providing a second portion of the non-browser input that is retrievable from a separate location than the first portion; and combining the first and second portions to provide the non-browser input (Hudetz, col. 7, line 1 – col. 8, line 46).

4. As to claim 4, Hudetz-Browning teaches a method wherein the step of providing the second portion comprises retrieving the second portion for a location on the network by accessing the network from the user's computer to an intermediate location on the; retrieving the second portion therefrom and transferring the retrieved second portion back to the user's computer for use by the step of combining network (Hudetz, col. 7, line 1 – col. 8, line 46).

5. As to claim 5, Hudetz-Browning teaches reading a barcode (Hudetz, col. 11, line 40 – col. 12, line 10).

6. As to claims 6 and 7, Hudetz-Browning teach the step of converting comprising the step of adding additional information to the input information received from the non-browser input including a control code (Hudetz, col. 7, line 1 – col. 8, line 46 and col. 11, line 40 – col. 12, line 10).

Response to Arguments

7. Applicant's arguments filed March 05, 2004 (paper no. 25) have been fully considered but they are not persuasive. The applicant argued in substance that:

- a) “the Browning reference does nothing more than convert the information to a data stream and this data stream is then input to the serial port. The serial port then interfaces with an application for receiving this information in the format in which it was generated and processing this information in accordance with the format received at that input, i.e., the data is transmitted to the serial port in a compatible format and then the data is transformed into the appropriate control information. Therefore, the computer input, the serial port, receives this information in only one way. There is no simulation thereof.”

As to point a), The examiner respectfully disagrees with the applicants’ interpretation of the prior art as applied. The applicants’ argument that the Browning reference does not teach the “simulation” of the input but merely converting information and transmitting to a computer browser is incorrect. In the prior art, an external computer peripheral (scanner) is used to scan a non-browser input (e.g. printed textual URL address). This non-browser input is simulated into a simulated browser input, the predetermined browser input that may be input to a computer browser (the scanned URL information is converted into character data that can be read by the browser like keyboard inputs). Once simulated, this data is transferred to the computer in whatever transmission format (i.e. wireless or other), which then launches the browser and initiates connection to the remote site (see Browning, col. 3, line 26 – col. 4, line 2; see also Browning, col. 5, lines 28-29). The above stated disclosure of the prior art teach the invention as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

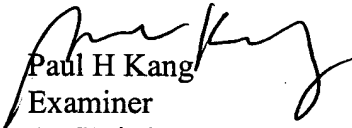
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul H Kang
Examiner
Art Unit 2141